

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

FRIDAY, THE 15TH JUNE 2007 / 25TH JYAISHTA 1929

Crl.MC.No. 1844 of 2007()

CMP.1150/2007 of JUDL. MAGISTRATE OF FIRST CLASS COURT-III,
TRIVANDRUM

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PETITIONER: ACCUSED

GEETHA RANI, AGED 47 YEARS,
D/O. LEELAMMA, RESIDING AT SREERAGAM,
KAITHA NORTH, KANNAMANGALAM VILLAGE,
ALAPPUZHA DISTRICT.

BY ADV. SRI.P.M.ZIRAJ

RESPONDENTS: COMPLAINANT

STATE OF KERALA, REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM, REPRESENTED BY SUB INSPECTOR OF
POLICE, THAMBANOOR POLICE STATION IN
CRIME NO.290/2006.

BY P.P. SRI. GIKKU JACOB.

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 15/06/2007, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

R. BASANT, J.

CRL.M.C.NO. 1844 OF 2007

Dated this the 15th day of June, 2007

ORDER

The petitioner faces allegations, inter alia, under Sec.420 of the IPC. A crime has been registered. Investigation is in progress. In the course of the investigation, certain household articles belonging to the petitioner have been seized by the police on the allegation that they were purchased out of the ill gotten wealth by the commission of the offence. The properties are basically household articles. The petitioner applied for release of those articles. The learned Magistrate by the impugned order allowed the said articles; but directed that bank guarantee for an amount of Rs.2.5 lakhs be offered.

2. The petitioner claims to be aggrieved by the order. The articles are all household articles. The petitioner is admittedly the owner of those articles. At any rate, the imposition of the onerous condition that bank guarantee must

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be furnished is unjust and unreasonable. In these circumstances, it is prayed that the condition for offering bank guarantee may not be insisted.

3. The learned Public Prosecutor opposes the application. It is submitted that the petitioner is involved in many similar crimes.

4. Having considered all the relevant inputs, I am satisfied that it is not necessary to insist on production of bank guarantee. It will be sufficient if the petitioner executes a bond for Rs.2.5 lakhs as directed by the court below with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate. The learned Magistrate shall be at liberty to and must zealously ensure that the sureties offered are sufficient and solvent.

5. This petition is allowed in part. The impugned order shall stand modified to the above extent.

Sd/-

(R. BASANT, JUDGE)

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P.S. To Judge